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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Jonathan Lee Riches, #40948-018, Plaintiff, vs. Orenthal James Simpson aka O.J. Simpson, Defendant.	C/A No. 4:07-3456-MBS-WMC **ORDER**

This is a civil action filed by a federal prisoner. Therefore, in the event that a limitations issue arises, Plaintiff shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at moment of delivery to prison authorities for forwarding to District Court). Under D.S.C. Civ. R. 73.02(B)(2)(c) pretrial proceedings in this action have been automatically referred to the assigned United States Magistrate Judge.

TO PLAINTIFF:

This case is not in "proper form." **If this case is not brought into "proper form" by the date specified in this Order, this case may be dismissed.** Under the General Order (Misc. No. 3:05-5010-JFA) signed on November 1, 2005, the undersigned is giving Plaintiff *twenty (20) days* from the date this Order is entered (plus three days for mail time pursuant to Fed. R. Civ. P. 6(e)) to:

1) Complete the standard complaint form used in actions brought under 42 U.S.C. § 1983.[1] A blank complaint form is enclosed with this Order. **Plaintiff shall confine his allegations to specific injuries and damages which he personally has sustained. Plaintiff shall not allege or seek recovery for injuries or damages sustained by other inmates.**

2) Pay the filing fee. The payment should be in the amount of ($350.00). If possible, Plaintiff should indicate on the check that it (the check) is for payment of the initial installment of the filing fee in Civil Action No. 4:07-3177-MBS-WMC. The check for the filing fee should be made payable to "Clerk, U.S. District Court." If unable to pay the filing fee in full, complete and submit the Form AO 240 and Financial Certificate referred to below.

3) If unable to pay the full filing fee, complete and sign a Form USM-285 for Defendant. Only one Defendant's name should appear on each form. Plaintiff's name and address should be placed in the space designated "SEND NOTICE OF

[1] The Complaint in this case was submitted in a self-prepared, handwritten format. Since Plaintiff is incarcerated, he needs to submit his claims and requests on forms specifically created for use by prisoners. The required prisoner forms are being provided with this Order.

Dockets.Justia.com

SERVICE COPY TO . . .", and Plaintiff should sign where the form requests "Signature of Attorney or other Originator . . . ." Plaintiff must provide the Defendant's complete address on the form. One blank form is provided for Plaintiff's use.

4) Complete a summons for Defendant. The summons must contain Defendant's full address for service of process. Plaintiff is required to provide a full address where Defendant can be served. Plaintiff's name and address should be printed in the section for "PLAINTIFF'S ATTORNEY (name and address)" on the summons. Plaintiff should write nothing else on the summons form. One blank form is provided for Plaintiff's use.

5) If unable to pay the full filing fee, complete and sign the enclosed Financial Certificate. Plaintiff must send the Certificate to his correctional institution's mailroom so that Federal Bureau of Prisons finance section can put the needed information on the Financial Certificate and return it to Plaintiff. Once Plaintiff has received the Financial Certificate back from the finance section, he must return the Financial Certificate to the Office of the Clerk of Court for the United States District Court for the District of South Carolina.

6) If unable to pay the full filing fee, complete and sign the enclosed AO 240, then return the completed Statement of Assets to the Office of the Clerk of Court for filing in this case.

Plaintiff must place the civil action number listed above (C/A No. 4:07-3456-MBS-WMC) on any document he submits to this Court pursuant to this Order. In the meantime, no process shall issue until the specified items have been reviewed by the undersigned.

All future filings in this case shall be submitted to the address below. All documents requiring Plaintiff's signature shall be signed with Plaintiff's full legal name written in Plaintiff's own handwriting. *Pro se* litigants shall *not* use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this Court, Plaintiff is directed to use letter-sized paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper.[2] Plaintiff is further instructed not to write to the edge of the paper, but to maintain one-inch margins on the top, bottom, and sides of each paper submitted. Plaintiff will strictly comply with requirements for "short and plain" statements of claims and defenses in all pleadings under Fed. R. Civ. P. 8 as well as the requirements for "concise summary," "concise statement" and "brevity" set forth in D.S.C. Civ. R. 7.05.

Plaintiff is a *pro se* litigant. His attention is directed to the following important notice:

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[2] Pursuant to Section 205 of the E-Government Act of 2002, Pub. L. 107-347, December 17, 2002, 111 Stat. 2899, this Court has implemented Case Management-Electronic Case Filing (CM-ECF). For this purpose, *pro se* filings are scanned to create electronic docket records. Therefore, the use of only one side of a sheet of letter-sized paper is required. Also, double-sided pages are difficult to "scan" into the CM-ECF system.

You are ordered to always keep the Clerk of Court advised **in writing** (**Post Office Box 10768, Greenville, South Carolina 29603**) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this Order, you fail to file something you are required to file within a deadline set by a District Judge or a Magistrate Judge, your case may be dismissed for violating this Order. Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the Clerk of Court with the docket numbers of all pending cases you have filed with this Court. Your failure to do so will not be excused by the Court.

Put this Order with your own record of this case so that you will not overlook your duty. If an attorney serves you by mail on behalf of a Defendant, you also have a duty to notify that attorney if your address is to be changed for mail purposes.

Plaintiff is, hereby, informed that if his address changes in the future, he must provide *his* prison or jail address (or his new address if he is released from jail or prison).

TO THE CLERK OF COURT:

The Office of the Clerk of Court shall not enter any change of address submitted by Plaintiff which directs that mail be sent to a person other than Plaintiff unless that person is an attorney admitted to practice before this Court who has entered a formal appearance.

The Clerk of Court shall mail a copy of this Order and the "proper form" documents to Plaintiff.

If Plaintiff fails to provide the items specified above to the Clerk of Court within the period prescribed in this Order, the Office of the Clerk of Court may forward the file in this case to the United States District Judge or Senior United States District Judge assigned to this case for a final order of dismissal.[3] If, however, Plaintiff provides this Court with the items specified above, the Office of the Clerk of Court shall forward the file to the Magistrate Judge to determine if service of process should be authorized.

IT IS SO ORDERED.

October 26, 2007
Greenville, South Carolina

s/William M. Catoe
United States Magistrate Judge

Plaintiff's attention is directed to the important warning on the next page.

[3] *See* General Order filed on November 1, 2005, Misc. No. 3:05-MC-5010-JFA, at 3.

IMPORTANT INFORMATION ....PLEASE READ CAREFULLY

WARNING TO PRO SE LITIGANTS

All Documents That You File with the Court Will Be Available to the Public on the Internet Through Pacer (Public Access to Court Electronic Records) and the Court's Electronic Case Filing System.

YOU **ARE RESPONSIBLE FOR PROTECTING YOUR IDENTITY FROM POSSIBLE THEFT.** ***YOU*** **MUST REMOVE CERTAIN** ***PERSONAL IDENTIFYING INFORMATION*** **FROM ALL DOCUMENTS** ***BEFORE*** **YOU SUBMIT THE DOCUMENTS TO THE COURT FOR FILING. IT IS NOT THE COURT'S RESPONSIBILITY TO REMOVE PERSONAL IDENTIFYING INFORMATION FROM YOUR DOCUMENTS BEFORE THEY ARE ELECTRONICALLY DOCKETED.**

Under the Privacy Policy of the Judicial Conference of the United States, ***a litigant, whether represented by counsel or appearing pro se, must not put certain types of the litigant's (or any other person's) personal identifying information in documents submitted for filing to any United States District Court.*** This rule applies to ***ALL*** documents submitted for filing, including pleadings, exhibits to pleadings, discovery responses, and any other document submitted by any party for filing. If the litigant finds it necessary to submit a document containing personal identifying information, the litigant must "black out" or redact the personal identifying information prior to submitting the document to the Office of the Clerk of Court for filing.

1. Types of personal information that **MUST** be removed or redacted from documents before filing:

(a) Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number shall be used.
(b) Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child shall be used.
(c) Dates of Birth. If an individual's date of birth must be included in a pleading, only the year shall be used.
(d) Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers shall be used.
(e) Juror Information. If a document containing identifying information about a juror or potential juror must be filed (*e.g.*, verdict form or indictment), all personal information identifying a juror or potential juror must be redacted.

2. Other sensitive personal information of the litigant (or any other person) that should be considered for possible removal or redaction:

Any personal identifying number, including a driver's license number; medical records; employment history; individual financial information; proprietary or trade secret information; information regarding an individual's cooperation with the government; information regarding the victim of any criminal activity; national security information; and/or sensitive security information described in 49 U.S.C. § 114(s).